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DOC #: 8/21/07DATE FILED: 8/21/07

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

 UNITED STATES OF AMERICA

-v.-

MARLON COLE,

Defendant.

NOLLE PROSEQUI

07 Cr. 386 (CM)

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1. The filing of this nolle prosequi will dispose of this case with respect to MARLON COLE, the defendant.

2. On May 7, 2007, MARLON COLE, the defendant, waived indictment before Magistrate Judge Michael H. Dolinger. The Information, 07 Cr. 386 (CM), charges MARLON COLE, the defendant, with unlawfully, willfully, and knowingly, in a matter within the jurisdiction of the executive branch of the Government of the United States, falsifying concealing, and covering up by a trick, scheme, and device a material fact, and making a materially false, fictitious, and fraudulent statement and representation, making and using a false writing and document knowing the same to contain a materially false, fictitious, and fraudulent statement and entry, in violation of Title 18, United States Code Section, 1001.

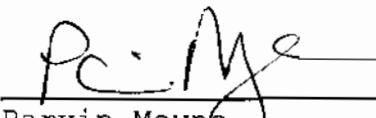
3. Based upon a review of the evidence and information pertaining to this defendant acquired subsequent to the filing of the Information, it has been concluded that further

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prosecution of MARLON COLE, the defendant, would not be in the interests of justice.

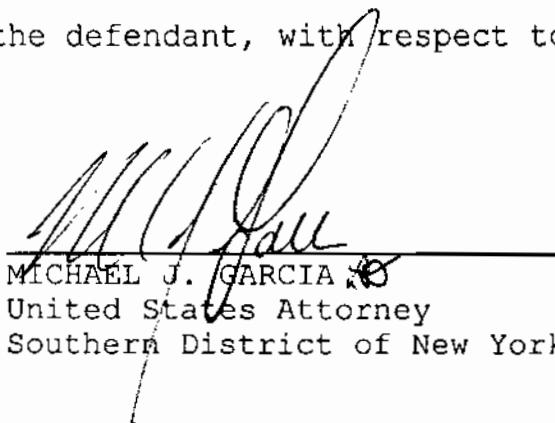
4. In light of the foregoing, I recommend that an order of nolle prosequi be filed as to defendant MARLON COLE with respect to Information 07 Cr. 386.



Parvin Moyne
Assistant United States Attorney
(212) 637-2510

Dated: New York, New York
May 30, 2007

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of nolle prosequi be filed as to defendant MARLON COLE, the defendant, with respect to Information 07 Cr. 386.


MICHAEL J. GARCIA
United States Attorney
Southern District of New York

Dated: New York, New York
May 30, 2007

SO ORDERED:


HON. COLLEEN McMAHON
United States District Judge
Southern District of New York

Dated: New York, New York
May 31, 2007